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No. 114

FIRST ANNUAL REPORT

OF THE

STATE EXAMINERS OF ELECTRICIANS.

FOR THE YEAR 1915.

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1916

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THE STATE BOARD OF PUBLICATION.

TO

THE STATE BOARD OF EDUCATION



1916

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STATE EXAMINERS OF ELECTRICIANS.

1915.

JOHN J. HOGAN, *Chairman*, LOWELL.

Chairman, Civil Service Commission.

JOHN A. O'KEEFE, LYNN.

Fire Prevention Commissioner for Metropolitan District.

DAVID SNEDDEN, BROOKLINE.

Commissioner of Education.

HERBERT A. DALLAS, *Clerk*, ROOM 263, STATE HOUSE, BOSTON,
MASS.

The Commonwealth of Massachusetts.

FIRST ANNUAL REPORT OF THE STATE EXAMINERS OF ELECTRICIANS.

To His Excellency the Governor and to the General Court of Massachusetts.

In accordance with the provisions of chapter 296 of the Acts of 1915, the State Examiners of Electricians respectfully submit herewith their annual report for the year closing Nov. 30, 1915.

ORGANIZATION.

The State Examiners of Electricians, consisting of the chairman of the Civil Service Commission, Mr. John J. Hogan, the Fire Prevention Commissioner for the Metropolitan District, Mr. John A. O'Keefe, and the Commissioner of Education, Mr. David Snedden, met in the office of the Civil Service Commission and organized on July 6, 1915. Mr. Hogan was elected chairman, and Mr. Snedden, secretary. On August 9, 1915, the examiners appointed Mr. Herbert A. Dallas of Boston clerk. His appointment was confirmed by the Governor and Council on Sept. 8, 1915.

On July 17 and July 21, 1915, the following advertisement was inserted in eleven newspapers of general circulation in the State of Massachusetts, in accordance with the provisions of section 2 of chapter 296 of the Acts of 1915:¹ —

COMMONWEALTH OF MASSACHUSETTS.

State Examiners of Electricians.

NOTICE. — Persons, firms or corporations desiring examination for master electrician's certificate or journeyman electrician's certificate may obtain application blanks at the office of the State Examiners of Electricians, Room 428, State House, Boston.

¹ The act is quoted in full in Appendix A.

Persons, firms or corporations presenting satisfactory evidence that they have been engaged in the business of electricians for five years next preceding the date of application are exempt from examination, on presentation of evidences acceptable to the State examiners.

Section 1, chapter 296, Acts of 1915 provides: —

Except as hereinafter provided, no person, firm or corporation shall, after the first day of September, nineteen hundred and fifteen, enter into, engage in, or work at the business of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes in this commonwealth, either as a master or employing electrician or as a journeyman electrician, unless such person, firm, or corporation shall have received a license or certificate therefor, issued by the board provided for in section two of this act, and in accordance with the provisions hereinafter set forth.

JOHN J. HOGAN, *Chairman.*

JOHN A. O'KEEFE.

DAVID SNEDDEN, *Secretary.*

LICENSES ISSUED UNDER "FIVE-YEAR PROVISION."

In response to the above advertisement, applications were received for certification under the provisions of the "five-year clause," and for examination. By Sept. 1, 1915, there had been issued under the five-year clause 5,090 journeyman or class B certificates, and 615 master or class A certificates. Between Sept. 1, 1915, and Dec. 1, 1915, there were issued under this provision 164 additional master, or class A, and 1,798 journeyman, or class B, certificates.

CERTIFICATES ISSUED ON EXAMINATION.

On Aug. 4 and 7, 1915, the following advertisement was inserted in eleven papers of general circulation in Massachusetts: —

NOTICE.

Examinations for licenses for master and journeyman electricians, under the provisions of chapter 296 of the Acts of 1915, will be held by the State Examiners of Electricians on Wednesday, Aug. 11, 1915, beginning at 10 A.M. at the following places: —

Boston: Room 15, State House.

Fall River: Council Chamber, City Hall.

Lowell: Council Chamber, City Hall.

Pittsfield: Council Chamber, City Hall.

Springfield: Auditorium Banquet Hall.

Worcester: Civil Service Rooms, Federal Building.

All persons applying for licenses on the basis of examinations are required to file applications with the State Examiners of electricians. Blanks for these applications may be obtained at Room 428, State House, Boston, or may be obtained at the places named above on the day of the examination.

JOHN J. HOGAN, *Chairman.*

JOHN A. O'KEEFE.

DAVID SNEDDEN, *Secretary.*

Subsequent to Aug. 11, 1915, other examinations, duly advertised, were held in Boston on the following dates: August 25, September 1 and 29, and November 17.

As a result of examinations held, there were issued on or before Sept. 1, 1915, 64 master or class A certificates and 375 journeyman or class B certificates. Subsequent to September 1, 67 additional master or class A certificates and 358 additional journeyman or class B certificates have been issued on examination.

It will appear, therefore, that there have been issued in all, up to Dec. 1, 1915, both under the provisions of the "five-year clause" and by examination, a total of 846 master or class A certificates and 7,246 journeyman or class B certificates, making a total of 8,092. The names and addresses of the holders of all certificates issued under the law prior to Nov. 18, 1915, appear in a manual published by the office of the State Examiners of Electricians.

EXAMINATIONS FOR 1916.

The following schedule of examinations is announced for 1916: —

Boston,	Wednesday, January 5.
Pittsfield,	Wednesday, January 19.
Fall River,	Wednesday, February 16.
Boston,	Wednesday, March 1.
Springfield,	Wednesday, March 15.
Worcester,	Wednesday, April 5.
Lowell,	Wednesday, April 26.
Boston,	Wednesday, May 3.
Pittsfield,	Wednesday, June 14.
Fall River,	Thursday, July 6.
Newburyport,	Wednesday, August 2.
Boston,	Wednesday, September 6.

Springfield,	Wednesday, September 20.
Lowell,	Wednesday, October 11.
Boston,	Wednesday, November 8.
Worcester,	Wednesday, December 6.

RECEIPTS AND EXPENDITURES.

The following table shows receipts and expenditures of the State Examiners of Electricians from July 6, 1915, to Nov. 30, 1915:—

<i>Receipts.</i>	
Fees from applicants,	\$28,925 00
Interest on bank deposits,	24 26
<hr/>	
Total paid to Treasurer of Commonwealth,	\$28,949 26

<i>Expenditures.</i>	
Salaries,	\$963 32
Printing,	497 61
Advertising,	200 00
Office supplies,	103 24
Postage,	400 00
Additional clerical assistance,	399 11
Expenses in connection with examinations,	309 68
Traveling expenses of commissioners,	13 42
Traveling expenses of other employees,	51 29
<hr/>	
	\$2,937 67

RECOMMENDATIONS.

The State Examiners of Electricians have encountered some difficulties in their efforts to administer the provisions of chapter 296 of the Acts of 1915. It has been necessary to refer a number of questions to the Attorney-General for interpretation.¹ The examiners have reached the conclusion that in the interests of sound public policy certain amendments should be made to the existing act. Some of the existing provisions are not clear, and the act seems to omit certain matters that should properly be included. The State examiners regard themselves as a purely administrative body. Some of the questions involved are of a technical character, as to which the examiners do not possess first-hand knowledge. It is therefore recom-

¹ The questions submitted and the Attorney-General's opinions will be found in Appendix B.

mended that a nonsalaried commission, containing representatives of the various interests affected by the law, and composed, in part, at least, of persons having technical knowledge and experience as to the matters involved, shall be appointed by the Governor, to report at an early date recommendations as to amendments. The State Examiners of Electricians will hold themselves ready to assist such a commission.

In the event of the appointment of a commission as here recommended, the State examiners would call its attention especially to the following matters: —

1. Should not the definition of master electrician, as employed in the first section, be more clear and adequate?

2. Is it desirable that the words "for hire" should be used in part as defining journeyman in the same section?

3. Should not provision be made for special certificates for persons whose work is confined merely to the hanging of fixtures, the wiring for moving-picture machines, the installation of starting devices in connection with motors, and other special departments?

4. Should not provision be made for granting a special form of license to steam and other engineers whose duties include supervision and up-keep of electrical equipment in the plants under their charge?

5. Should not the law require local inspectors in the various towns and cities to secure compliance with the provisions of the law as regards the holding of certificates?

6. Should not the law provide means whereby a learner, having completed a course in an approved trade school or otherwise, but who, nevertheless, has not fully met the requirements of a journeyman, might be granted some form of special provisional card or certificate specifying the conditions under which he may work for hire?

PROPOSED RESOLVE.

The following is suggested as a form of resolve providing for the creation of the commission recommended above: —

Resolved, That a special commission of five members, to be appointed by the governor on or before the first Wednesday in March, nineteen hundred and sixteen, shall make such investigation relative to the necessity

and advisability of amending the existing law relative to the licensing of master and journeyman electricians as it shall deem necessary or expedient.

The said commission shall hold at least one public hearing, of which notice shall have been given by advertisement in one newspaper of general circulation in Massachusetts, and may draft proposed amendments to the law, and shall submit its report and recommendations to the general court not later than the second Wednesday of April, nineteen hundred and sixteen. It shall be allowed for necessary clerical and other expenses a sum not exceeding five hundred dollars.

Respectfully submitted,

JOHN J. HOGAN, *Chairman.*

JOHN A. O'KEEFE.

DAVID SNEDDEN.

BOSTON, MASS., Dec. 10, 1915.

APPENDIX A.

GENERAL ACT RELATIVE TO LICENSING OF ELECTRICIANS.

CHAPTER 296, GENERAL ACTS OF 1915.

AN ACT RELATIVE TO THE REGISTRATION OF PERSONS, FIRMS AND CORPORATIONS DESIGNING TO INSTALL WIRES OR APPARATUS FOR ELECTRIC LIGHT, HEAT OR POWER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Except as hereinafter provided, no person, firm or corporation shall, after the first day of September, nineteen hundred and fifteen, enter into, engage in, or work at the business of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes in this commonwealth, either as a master or employing electrician or as a journeyman electrician, unless such person, firm, or corporation shall have received a license or certificate therefor, issued by the board provided for in section two of this act and in accordance with the provisions hereinafter set forth.

The words "master or employing electrician" as used in this act shall mean a corporation, firm or person, having a regular place of business, who, by the employment of journeymen, performs the work of installing wires, conduits, apparatus, fixtures and other appliances for carrying or using electricity for light, heat or power purposes.

The word "journeyman" as used in this act shall mean a person who does any work of installing wires, conduits, apparatus, fixtures and other appliances for hire.

SECTION 2. On and after the first day of July, in the year nineteen hundred and fifteen, the chairman of the civil service commission, the fire prevention commissioner for the metropolitan district and the commissioner of education shall constitute the state examiners of electricians. They shall employ as clerk a practical electrician, who is a wage earner, and a citizen of the commonwealth, who has had at least ten years' experience in the installation of wires and appliances for carrying electricity for light, heat or power purposes. He shall receive such salary as shall be determined by the state examiners, subject to the approval of the governor and council, and shall hold his office for a term of three years. The three examiners shall receive no compensation for their services under the terms of this act. The compensation of the clerk and the travelling and other necessary expenses of the state examiners, not however to exceed five hundred dollars in the aggregate for each of the members thereof, shall, when approved by the governor and council, be paid from the treasury of the commonwealth.

The state examiners of electricians may make necessary rules for the proper performance of their duties.

They shall hold frequent examinations in the city of Boston, and, twice in each year, shall hold examinations in at least five other convenient places within the commonwealth, and they may hold annual or occasional examinations in other places. Public notice shall be given of all examinations.

The state examiners of electricians shall annually, on or before the first Wednesday in January, transmit to the secretary of the commonwealth a report to the general court of its doings.

In the conduct of the examinations they shall make uniform requirements for all cities and towns, which may be revised from time to time, as circumstances may require. Said examinations shall be sufficiently frequent to give ample opportunity for all applicants to be thoroughly and carefully examined, and may be supervised by one or more of the members of the board, but no licenses shall be granted without the sanction of the board. Examinations may be given in writing or practical work, as deemed most advisable by the board.

The records of the meeting of said board shall be open for inspection at all times, and the board shall have printed annually a manual of its regulations, including the names of all licensees.

SECTION 3. (1) Two forms of licenses shall be issued:—The first, hereinafter referred to as “certificate A”, shall be known as “master electrician’s certificate”, the second, hereinafter referred to as “certificate B”, shall be known as a “journeyman electrician’s certificate.”

A “master’s certificate” shall be issued to any person, firm or corporation engaged in or about to engage in the business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances, that shall have qualified under the provisions of this act. A certificate of registration shall be issued specifying the name of the person, firm or corporation so applying, and the name of the person passing said examination, by which he or it shall be authorized to enter upon or engage in business as set forth therein: *provided, however*, that any person, firm or corporation that has been engaged in said business for at least five years next prior to the date of the application shall not be required to pass said examination, but shall present proof of fitness.

The holding of “certificate A” shall not entitle the holder individually to engage in or perform the actual work of installing electric wires, conduits and appliances as previously described in this act, but shall entitle him to conduct business as an employing or master electrician.

(2) “Certificate B”, or a journeyman electrician’s license, shall be granted to any person who has passed an examination before the examining board provided for in this act, or who shall present proof of fitness and that he has gained his livelihood by the occupation of electrician for five consecutive years next prior to the date of application. A certificate shall be issued specifying the name of the person so engaged, by which certificate such person shall be authorized to enter upon or engage in the occupation

of journeyman electrician. Every person desiring an examination shall make application therefor in writing, accompanied by the proper fee. The fee for an examination for certificate "A" shall be twenty-five dollars and that for certificate "B" shall be one dollar. An applicant who fails in his examination shall not have his fee returned to him, but shall be entitled to one re-examination free of charge. For each subsequent re-examination, he shall pay fifteen dollars in the case of certificate "A" and fifty cents in the case of certificate "B."

(3) All certificates "A" described in paragraph (1) of this section shall expire on the thirty-first day of July in each year, but may be renewed by the same person, firm or corporation, as represented by one or more of its members or officers, without further examination, upon the payment of a fee of fifteen dollars, application therefor being made during the month next prior to said expiration of said certificate.

(4) All certificates "B" described in paragraph (2) of this section shall expire on the thirty-first day of July in each year, but may be renewed upon the payment of a fee of fifty cents, and upon the same conditions set forth in paragraph (3) of this section.

(5) All holders of certificates "A" shall keep their certificates of registration displayed in a conspicuous place in their principal offices or places of business, and all holders of certificates "B" shall be furnished by said board with evidence of their having been so licensed, in card form or otherwise, which shall be carried on the person of the licensee and exhibited on request.

SECTION 4. No certificates issued under the provisions of this act, to either master or journeyman, shall be assignable or transferable. Said certificates may be suspended or revoked by the board of examiners upon failure or refusal of the licensee to comply with the rules and requirements of said business as set forth by the board of gas and electric light commissioners, and for other and sufficient causes after a hearing has been held. Such suspension or revocation by said board shall be subject to review by the board of gas and electric light commissioners.

SECTION 5. Any person, firm or corporation, or employee thereof, and any representative, or any member or officer of such firm or corporation individually entering upon or engaging in the business and work hereinbefore defined, without having complied with the provisions of this act, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for the first offence, and for a second offence by a fine of not less than fifty nor more than five hundred dollars, or by six months' imprisonment in the house of correction, or by both such fine and imprisonment.

SECTION 6. No person, firm or corporation holding a master's certificate shall be held liable for work done by any of his or its employees without authorization, unless it shall appear that such work was done with his or its knowledge or consent or by his or its authorization.

All fees and fines collected under the provisions of this act shall be paid into the treasury of the commonwealth as hereinbefore provided.

SECTION 7. This act shall not apply to the installation, repairing and wiring of elevators or to work in connection with the erection, construction, maintenance or repair of lines for the transmission of electricity from the source of supply to the service switch on the premises where it is used by municipal electric plants, by electric companies as defined in section one of chapter seven hundred and forty-two of the acts of the year nineteen hundred and fourteen, or by gas companies authorized to engage in the business of making or selling electricity, by electric street railway companies or by electric railroad companies or by railroad companies; nor to the work of such plants or companies on premises owned or controlled by them; nor to the work of said municipal electric plants or of said electric or gas companies in installing, maintaining and repairing, on the premises of customers, service connections and meters and other apparatus and appliances which remain the property of such plants or companies after installation; nor to work in connection with the lighting of streets, alleys, private ways or private or public parks, areas or squares; nor to the work of companies incorporated for the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures or other appliances used in the business of such companies and necessary for or incident to such business, and whether such wires, conduits, apparatus, fixtures or other appliances are on its own premises or otherwise.

SECTION 8. Nothing in this act shall be construed as forbidding the employment of learners or apprentices working with and under the direct personal supervision of journeymen electricians duly certified as provided in this act.

Electricians employed by theatrical companies may install such temporary wiring and appliances as may be required for the purpose of the engagement of any such company, subject to the supervision of some person licensed under the provisions of this act.

Electricians regularly employed by firms or corporations other than holders of class "A" certificates may install such electrical wiring, conduits and appliances or make such repairs as may be required only on the premises and property of said firms or corporations: *provided*, that said electricians hold a journeyman's license and have complied with all provisions set forth in this act.

SECTION 9. Any person applying for a journeyman's license who makes any misstatement as to this experience or other qualifications, or any person, firm or corporation subscribing to or vouching for any such misstatement, shall be liable to the penalties set forth in section four of this act.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 11. This act shall take effect upon its passage, except that its provisions imposing penalties shall not become operative until the board shall have been organized and at least sixty days shall have been allowed to enable applicants to secure licenses or certificates. [Approved May 28, 1915.]

APPENDIX B.

OPINIONS OF ATTORNEY-GENERAL RELATIVE TO
CHAPTER 296, ACTS OF 1915.

I. RELATIVE TO FEES.

BOSTON, Aug. 20, 1915.

HON. HENRY C. ATTWILL, *Attorney-General, Commonwealth of Massachusetts, State House, Boston, Mass.*

DEAR SIR:—The State Examiners of Electricians desire your interpretation of the following matter arising under chapter 296 of the Acts of 1915.

Subdivision 2 of section 3 of said chapter provides in part as follows:—

The fee for an examination for certificate "A" shall be twenty-five dollars and that for certificate "B" shall be one dollar. An applicant who fails in his examination shall not have his fee returned to him, but shall be entitled to one re-examination free of charge. For each subsequent re-examination he shall pay fifteen dollars in the case of certificate "A" and fifty cents in the case of certificate "B."

Subdivisions 1 and 2, under said section, provide that a master electrician who has been engaged in the business for five years shall receive a certificate without an examination, and that a journeyman electrician who has been in the business five years shall receive a certificate without an examination.

The State Examiners of Electricians have interpreted the law as meaning that all persons who take out a master electrician's certificate shall pay \$25, whether they take it out as the result of an examination or under the five years' provision, and that all journeymen who take out a journeyman's certificate, whether by examination or under the five years' provision, shall pay \$1.

It is now claimed that neither class should pay for a license or certificate issued under the five years' provision.

It is to be noted that at the last part of subdivision 2 aforesaid no distinction is made between the two classes of certificates, and all have to pay \$15 for a master's certificate and 50 cents for a journeyman's certificate.

The question is this: Are the examiners justified in requiring a fee of \$25 for a license issued on an affidavit under the five years' provision?

Very truly yours,

JOHN A. O'KEEFE,

For State Examiners of Electricians.

Aug. 20, 1915.

State Examiners of Electricians, State House.

GENTLEMEN:— You have requested an opinion as to the amount of the fees required from master and journeyman electricians for licenses under St. 1915, c. 296, where the same are granted under the five years' service provision which requires no examination of the applicants.

Section 3 of the act deals with the matter of licenses and provides the two forms above referred to. Certificate "A" is required from master electricians and certificate "B" from journeymen electricians. The section provides that applicants for either form of license shall pass an examination, except master electricians who have been engaged in the business for five years, or journeymen electricians who have gained their livelihood as electricians for five years.

The question of fees is thus dealt with:—

. . . Every person desiring an examination shall make application therefor in writing, accompanied by the proper fee. The fee for an examination for certificate "A" shall be twenty-five dollars and that for certificate "B" shall be one dollar. An applicant who fails in his examination shall not have his fee returned to him, but shall be entitled to one re-examination free of charge. For each subsequent re-examination, he shall pay fifteen dollars in the case of certificate "A" and fifty cents in the case of certificate "B."

(3) All certificates "A" described in paragraph (1) of this section shall expire on the thirty-first day of July in each year, but may be renewed by the same person, firm or corporation, as represented by one or more of its members or officers, without further examination, upon the payment of a fee of fifteen dollars, application therefor being made during the month next prior to said expiration of said certificate.

(4) All certificates "B" described in paragraph (2) of this section shall expire on the thirty-first day of July in each year, but may be renewed upon the payment of a fee of fifty cents, and upon the same conditions set forth in paragraph (3) of this section.

The question you have raised is a most doubtful one, and if the fees involved were not comparatively small, it would occasion no surprise if the issue were referred to the courts for a final adjudication. However much the framers of the act may have concealed their purpose by neglecting to express their minds clearly, it is a fair inference that the Legislature intended that fees of \$25 and \$1, respectively, should be required where a license was originally issued, whether the applicant was submitted to a personal examination as to fitness or the examination merely consisted of giving proof of five years' service or business experience. The fact that fees of \$15 and 50 cents, respectively, are required for renewal is especially significant, for it is not to be presumed that applicants of five years' business experience or service, who must pay fees for renewals of their licenses, are exempt from fees in the first instance.

It would seem, therefore, that the word "examination," as it is used in this act and in the same paragraph, has two separate and distinct meanings. In some instances it means a personal examination of the applicant and in others an examination of the proof of five years' service or

business experience. Such a construction is not entirely above criticism, but in such cases the legislative intent ought to govern unless set aside by judicial decree.

I am therefore of the opinion that the State Examiners of Electricians should require fees of \$25 and \$1, respectively, in all cases where certificates are originally issued.

Very truly yours,

ARTHUR E. SEAGRAVE,
Assistant Attorney-General.

II. RELATIVE TO WORKING OTHERWISE THAN FOR HIRE.

Boston, Sept. 30, 1915.

HON. HENRY C. ATTWILL, *Attorney-General, Commonwealth of Massachusetts, State House, Boston, Mass.*

DEAR SIR: — I have been directed by the State Examiners of Electricians to request your opinion on the following questions, as stated in chapter 296 of the Acts of 1915: —

Can a journeyman who is licensed under the provisions of chapter 296 of the Acts of 1915 by virtue of such license agree to perform and do contract work in the installation of "wires, conduits, fixtures or other appliances for carrying or using electricity for light, heat or power purposes," provided that he does the work himself, with his own hands, and does not employ any journeymen to assist him?

Can a journeyman licensed under the provisions of chapter 296 of the Acts of 1915 agree to perform and perform the same class of work, by contract or otherwise, as is completed and performed by the master electricians, provided he does the work with his own hands and does not employ any journeymen electricians to aid or assist him in the work?

Has a licensed journeyman electrician, under the provisions of chapter 296 of the Acts of 1915, the right to perform and do work by contract or otherwise in the installation of "wires, conduits, fixtures or other appliances for carrying or using electricity for light, heat or power purposes" provided that he does the same with his own hands; and has he the further right to employ learners or apprentices working with him and under his direct personal supervision in the doing of such work?

By the direction of the Board, I am enclosing herewith copies of ruling of the Supreme Court in the case of *Burke v. Holyoke Board of Health*, and opinion of Attorney-General Thomas J. Boynton, as the Board feels that these decisions may facilitate matters in arriving at your decision.

Very truly yours,

HERBERT A. DALLAS,
Clerk of the Board.

Oct. 6, 1915.

State Examiners of Electricians, State House.

GENTLEMEN: — You have requested my opinion as to the interpretation to be placed upon chapter 296 of the General Acts of 1915, as set forth in the following questions: —

Can a journeyman who is licensed under the provisions of chapter 296 of the Acts of 1915 by virtue of such license agree to perform and do contract work in the installation of "wires, conduits, fixtures or other appliances for carrying or using electricity for light, heat or power purposes," provided that he does the work himself, with his own hands, and does not employ any journeymen to assist him?

Can a journeyman licensed under the provisions of chapter 296 of the Acts of 1915 agree to perform and perform the same class of work, by contract or otherwise, as is completed and performed by the master electricians, provided he does the work with his own hands and does not employ any journeymen electricians to aid or assist him in the work?

Has a licensed journeyman electrician, under the provisions of chapter 296 of the Acts of 1915, the right to perform and do work by contract or otherwise in the installation of "wires, conduits, fixtures or other appliances for carrying or using electricity for light, heat or power purposes" provided that he does the same with his own hands; and has he the further right to employ learners or apprentices working with and under his direct personal supervision in the doing of such work?

The statute in question nowhere in express terms forbids a journeyman from making a contract to do, and, in fact, personally doing, the work in the installation of wires, conduits, fixtures or other appliances.

The restrictive provisions of the act are merely that "no person . . . shall engage in or work at the business of installing wires, conduits, etc., . . . either as a master or employing electrician or as a journeyman electrician, unless such person . . . shall have received a license."

"The words 'master or employing electrician' as used in this act shall mean a corporation, firm or person, having a regular place of business, who, *by the employment of journeymen*, performs the work of installing wires," etc.

"The word 'journeyman' as used in this act shall mean a person who does any work of installing wires, conduits, apparatus, fixtures and other appliances for hire." (Gen. Acts 1915, c. 296, § 1.)

It is expressly provided that a master's certificate "shall not entitle the holder individually to engage in or perform the actual work of installing . . . but shall entitle him to conduct business as an employing or master electrician."

A journeyman's certificate authorizes the person named "to enter upon or engage in the occupation of journeyman electrician," or, in other words, adopting the definition of section 1, to engage in "any work of installing wires," etc., "for hire."

A provision that a man licensed and certified to be competent to do the work in question could not lawfully do such work unless he were also licensed to employ others to do it, or without letting his services out to a licensed master electrician, would be such a limitation upon what have generally been recognized as fundamental rights of a citizen of this Commonwealth and country that it should not be read into a statute unless clearly called for. The present statute, so far from containing such clear language, seems rather to countenance the opposite view, and accordingly I am of the opinion that all of your questions should be answered in the affirmative.

Your third question raises the inquiry as to whether a journeyman electrician contracting and doing the work of installation with his own hands and without employing other journeymen has "the further right to employ learners or apprentices working with and under his direct personal supervision in the doing of such work." Apart from the provisions of section 8 of the act it might be argued that such course of conduct on his part would make him a "master or employing electrician," for which a master's certificate would be required.

Section 8, however, provides:—

Nothing in this act shall be construed as forbidding the employment of learners or apprentices working with and under the direct personal supervision of journeymen electricians duly certified as provided in this act.

This language is sweeping in its terms, and so long as its provisions are carefully complied with, I am of the opinion that such employment would not subject him to the penalty provided.

The opinion of the Supreme Court in the case of *Burke v. Holyoke Board of Health*, 219 Mass. 219, to which you have referred, is a decision to the same effect as that given above upon a set of statutes somewhat analogous.

As stated above, accordingly I am of the opinion that all of your questions are to be answered in the affirmative.

Very truly yours,

HENRY C. ATTWILL,
Attorney-General.

III. RELATIVE TO WORKING OTHERWISE THAN FOR HIRE.

BOSTON, Oct. 8, 1915.

HON. HENRY C. ATTWILL, *Attorney-General, Commonwealth of Massachusetts, State House, Boston, Mass.*

DEAR SIR:—I have been directed by the State Examiners of Electricians to request your opinion on the following questions, raised in connection with chapter 296 of the Acts of 1915:—

Can a person who is not licensed as a journeyman or master electrician under the provisions of chapter 296 of the Acts of 1915 do the installing of electrical wires, etc., with his own hands, on his own property?

Can a man who has not a journeyman or master electrician's license do electrical work as an accommodation for third parties, provided he does not do it for hire?

Very truly yours,

HERBERT A. DALLAS,
Clerk of the Board.

Oct. 14, 1915.

State Examiners of Electricians, State House.

GENTLEMEN: — You have requested my opinion upon the following questions of construction to be placed upon chapter 296 of the General Acts of 1915: —

1. Can a person who is not licensed as a journeyman or master electrician, under the provisions of said chapter, do the installing of electrical wires, etc., with his own hands, on his own property?

2. Can a man who has not a journeyman or master electrician's license do electrical work as an accommodation for third parties, provided he does not do it for hire?

As previously pointed out to you, the prohibition of the act is that no person shall "enter into, engage in, or work at the business of installing wires," etc., "either as a master or employing electrician or as a journeyman electrician" unless licensed.

Section 1 of the act defines these phrases as follows: —

The words "master or employing electrician" as used in this act shall mean a corporation, firm or person, having a regular place of business, who, by the employment of journeymen, performs the work of installing wires, conduits, apparatus, fixtures and other appliances for carrying or using electricity for light, heat or power purposes.

The word "journeyman" as used in this act shall mean a person who does any work of installing wires, conduits, apparatus, fixtures and other appliances for hire.

It cannot be said that a man, who, with his own hands, does electrical work such as is described in the act, either on his own property or as an accommodation for some one else, without hire, is entering into, engaging in or working at the business of installing wires, etc., either as a master or employing electrician or as a journeyman electrician.

The mere statement of the case shows that he is not employing any one, and as the definition of "journeyman" is limited to those working for hire, it seems clear that in the cases put there is no violation of the terms of this act.

I am of the opinion that both of your questions should be answered in the affirmative.

Very truly yours,

HENRY C. ATTWILL,
Attorney-General.

IV. RELATIVE TO WORDS "GAINED HIS LIVELIHOOD," AS
USED IN THE ACT.

Boston, Oct. 25, 1915.

Hon. HENRY C. ATTWILL, *Attorney-General, Commonwealth of Massachusetts, State House, Boston, Mass.*

DEAR SIR: — The Board of State Examiners of Electricians hereby most respectfully request your opinion on the following questions: —

1. Do the words "gained his livelihood by the occupation of electrician" in paragraph 2 of section 3 of chapter 296 of the Acts of 1915 mean that the applicant for such a license must have given his entire time to such occupation for five consecutive years next prior to the date of the application?

2. Does an applicant for such a license, under the provisions of the above statute, "gain his livelihood by the occupation of electrician" if in his daily occupation one-half or more (approximately) of the service he renders is that of electrician and the other that of an engineer?

3. Is it open to the State Examiners of Electricians to say that a person who has performed daily part services as an electrician and part as an engineer comes within the meaning of the words "gained his livelihood by the occupation of electrician for five consecutive years next prior to the date of application," and can the Board issue a license to such an applicant?

Very truly yours,

JOHN J. HOGAN,
Chairman.

Nov. 4, 1915.

State Examiners of Electricians, State House.

GENTLEMEN: — Your Board has submitted to this department the following questions for consideration: —

1. Do the words "gained his livelihood by the occupation of electrician" in paragraph 2 of section 3 of chapter 296 of the Acts of 1915 mean that the applicant for such a license must have given his entire time to such occupation for five consecutive years next prior to the date of the application?

2. Does an applicant for such a license, under the provisions of the above statute, "gain his livelihood by the occupation of electrician" if in his daily occupation one-half or more (approximately) of the service he renders is that of electrician and the other that of an engineer?

3. Is it open to the State Examiners of Electricians to say that a person who has performed daily part services as an electrician and part as an engineer comes within the meaning of the words "gained his livelihood by the occupation of electrician for five consecutive years next prior to the date of application," and can the Board issue a license to such an applicant?

It is my opinion that the first question should be answered in the negative. A reasonable interpretation should be given to the words "gained his livelihood by the occupation of electrician." There are few people indeed who are restricted in their income to that gained strictly from their occupation, and to give the words a narrow construction would exclude

from the operation of the statute many who might have greater experience and more capacity as electricians than those who were strictly limited to income derived from their occupation as electricians for the support of themselves and their families. Such a strict construction, in my opinion, was not intended by the Legislature.

The answers to the second and third questions, in my judgment, are dependent upon the facts in each case. In my opinion the test must be whether the applicant has gained from his knowledge, skill and work as an electrician the substantial part of his income upon which he and his family lived during the five consecutive years next prior to the date of his application. This, obviously, is largely a question of fact, proof of which the applicant is to furnish the Board to their satisfaction. The Board being satisfied as to the proof, and further satisfied as to the fitness of the applicant, upon evidence presented by him, they are authorized to grant him a journeyman electrician's license without further examination.

Very truly yours,

HENRY C. ATTWILL,
Attorney-General.





